



07/27/04

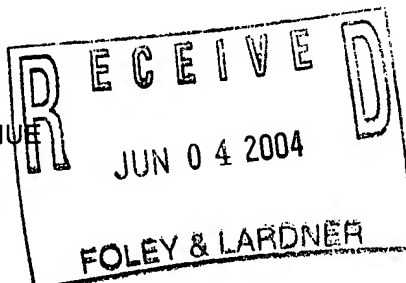
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/801,102	03/15/2004	Jeffrey T. Zank	062103-0501

26371  
 FOLEY & LARDNER  
 777 EAST WISCONSIN AVENUE  
 SUITE 3800  
 MILWAUKEE, WI 53202-5308



CONFIRMATION NO. 9258

## FORMALITIES LETTER



\*OC000000012831070\*

Date Mailed: 06/01/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$1082 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1982 for a Large Entity

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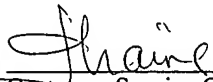
- |   |            |           |
|---|------------|-----------|
| • \$770 Statutory basic filing fee.         | 01 FC:1001 | 770.00 OP |
| • \$130 Late oath or declaration Surcharge. | 02 FC:1051 | 130.00 OP |
|   | 03 FC:1201 | 344.00 OP |
|   | 04 FC:1202 | 738.00 OP |

- Total additional claim fee(s) for this application is **\$1082**
  - **\$344** for **4** independent claims over 3.
  - **\$738** for **41** total claims over 20.

Replies should be mailed to:    Mail Stop Missing Parts  
   Commissioner for Patents  
   P.O. Box 1450  
   Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202


PART 2 - COPY TO BE RETURNED WITH RESPONSE



Atty. Dkt. No. 062103-0501

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Zank et al.  
Title: FOOD SERVER FLUID LEVEL  
CONTROL  
Appl. No.: 10/801,102  
Filing Date: 03/15/2004  
Examiner:  
Art Unit: 1761

<b>CERTIFICATE OF EXPRESS MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office" To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 458019908 US	7/26/04
(Express Mail Label Number)	(Date of Deposit)
Carolyn Simpson	
(Printed Name)	
	
(Signature)	

**TRANSMITTAL OF MISSING PARTS**  
**OF PATENT APPLICATION**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application mailed June 1, 2004, in the above-identified application, transmitted herewith are the missing parts to complete the filing of the subject patent application.

Enclosed are:

[ X ] Declaration and Power of Attorney (4 pages)

Any attached specification is a copy of the specification and any amendments thereto which were filed in the U.S. Patent and Trademark Office in order to obtain a filing date for the application.

[ X ] Return Copy of Notice to File Missing Parts

☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

- ☐ Extension for response filed within the first month  
☐ Extension for response filed within the second month  
☐ Extension for response filed within the third month  
☐ Extension for response filed within the fourth month  
☐ Extension for response filed within the fifth month

The filing fee is calculated below:

	Claims as Filed	Included in Basic Fee	Extra Claims	Rate	Fee Totals
Basic Fee				\$770.00	\$770.00
Total	61	- 20	= 41	x \$18.00	= \$738.00
Claims:					
Independ	7	- 3	= 4	x \$86.00	= \$344.00
ents:					
If any Multiple Dependent Claim(s) present:				+ \$290.00	= \$0.00
Surcharge under 37 CFR 1.16(e) for late filing				+ \$130.00	= \$130.00
of Executed Declaration and late payment of					
filing fee					
				SUBTOTAL:	= \$1,982.00
<input type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):					= \$0.00
				TOTAL FILING FEE:	= \$1,982.00
				TOTAL FEE	= \$1,982.00
Difference to pay:				- \$0.00	- \$1,982.00

☒ Check in the amount of \$1,982.00 in payment of filing fee and surcharge fee (37 C.F.R. § 1.16(e))

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Respectfully submitted,

Date July 26, 2004

By Todd A. Rathe

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Customer Number: 26371  
Telephone: (414) 297-5710  
Facsimile: (414) 297-4900

Todd A. Rathe  
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